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### **San Benito County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report**

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Sacramento, California 95814**

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## **Performance Evaluation of the San Benito County Agricultural Commissioner Pesticide Use Enforcement Program**

This report provides a performance evaluation of San Benito County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2006-2007. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

### **I. Summary Report of Core Program Elements**

Throughout the fiscal year, core areas of the San Benito's County pesticide enforcement program were evaluated: restricted materials permitting, compliance monitoring, and enforcement response. The report findings are based on field observations, oversight inspections, review of county records, and an evaluation of pesticide use and illness investigations for the fiscal year 2006/2007.

#### **A) Restricted Materials Permitting:**

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

#### **B) Compliance Monitoring:**

The compliance monitoring program element was found to meet DPR standards and work plan goals.

#### **C) Enforcement Response:**

The enforcement response program element was found to meet DPR standards and work plan goals.

### **Summary Statement:**

No deficiencies have been identified in the San Benito County Agricultural Commissioner's pesticide use program and the program is currently effective.

### **II. Assessment of Core Program Effectiveness and Work Plan Goals**

#### **A) Restricted Materials Permitting:**

##### **1) Permit Issuance**

All staff of the San Benito County Agricultural Commissioner's office that issue Restricted materials permits are experienced biologist and are knowledgeable of pesticide laws and regulations. All of the San Benito County pesticide use enforcement staff possess certificates/licenses in pesticide regulation and Investigation and environmental monitoring. All applicants who request a restricted material permits contact the office and are transferred to an Agricultural

inspector/biologist who have the appropriate pesticide use license. Even though all the pesticide enforcement staff is qualified to issue restricted materials permits, the most experienced biologists review the permits before they are issued to make sure they are correct and complete.

Oral interviews are done with the person applying for a restricted materials permit to determine if they are the operators of the property. If the applicant possesses a private applicator certificate or a qualified applicator license, the numbers are listed on the restricted materials permits. If they are not operators of the property, letters of authorization are required to be in possession of the applicant prior to the issuance of the permit.

San Benito County also uses the Restricted Materials Permit Program (RMPP) to issue permits. The program checks the permit being issued and will not allow a field to be left incomplete. Restricted materials permits are amended in person using DPR's supplemental form or by fax if the authorized representative signs and return the form to the San Benito CAC. When the permit is amended, the change is made on a supplemental page and is attached to the original permit, as well as entered into the RMPP Program.

Approximately 166 restricted materials permits and 104 operator IDs were issued in 2006/2007

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Permit amendments follow approved procedures.

## **2) Site Evaluation**

Notice of Intent (NOI) are received by fax machine, telephone (main office), answering machine, and a drop box located in the main office. Notice of intent are reviewed by certified pesticide enforcement staff that check them against the permit in the computer. One biologist is scheduled to remain in the main office each day and is responsible to review the days NOIs and issue permits. Each biologist in the field has mobile radios and cellular telephones and is often contacted to check sites in sensitive areas when NOIs are submitted. Sensitive sites include parks, residential areas, schools, hospitals, and labor camps. The biologists have the authority to accept or deny notice of intent and contact the operator of the property and the pest control business when the notice of intent is denied.

Approximately 1,723 Notice of Intent are received annually.

Prior to approving the use of a restricted material on a permit, the San Benito CAC checks to see if the pesticide is registered for use on that crop using DPR's pesticide label database. The biologist issuing the restricted materials permit also

reviews any permit condition that may apply to the pesticides on the permit and conditions it. Maps are used to identify sensitive sites that include labor camps, dairies, residential areas, roadways, and schools.

Notice of Intents that are restricted materials to be applied near sensitive sites are evaluated and denied if the site is too close to residential areas. The application may be denied, conditioned, or be made using non-restricted pesticides. When notice of intents are denied, the property operator and pest control business are notified and a denial form is completed and filed in the restricted materials permit file.

The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notice of intents in a timely manner and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

## **B) Compliance Monitoring:**

### **1) Inspections**

All of San Benito County's pesticide use enforcement staff possesses certificates/licenses in Pesticide Regulation and Investigation and Environmental Monitoring.

Staff from the San Benito County Agricultural Commissioner's office attended training sessions in 2006/2007 that included, restricted materials permit issuance, structural regulatory training and training on the upcoming new respiratory regulations.

Biologists conducting pesticide use inspections issue a violation notice for any criteria item marked "No" on the inspection forms. When worker safety noncompliances are found during an inspection, the biologists conduct a headquarters/employee safety inspection and any follow-up inspections required. The biologists also review the compliance history for the firm/person inspected and meets with the deputy before issuing a violation notice. The deputy and his staff prepare the case files and notice of proposed actions.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees;

- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

## **2) Investigations**

All of the staff of the San Benito County Agricultural Commissioner's office conduct pesticide enforcement investigations. All incidents or complaints associated to pesticides are investigated and written reports are made on each case. Training on investigative sampling is provided to the staff on an annual basis.

### **C) Enforcement Response:**

When non-compliances are found during inspections and investigations, San Benito county pesticide enforcement staff issue violation notices, and clerical staff data enters the information. The Deputy reviews the compliance history of each respondent and utilizes the enforcement guidelines to determine if enforcement action is warranted. The biologists are required to conduct follow-up inspections, which include a headquarter employer/employee inspection when worker safety non-compliances are found. Enforcement actions are taken when violations are found on incidents involving drift, pesticide related illnesses. When enforcement actions are not taken, a "Decision Report" is written listing the violations found, classification, and a compliance history for the respondent and an explanation.

San Benito County issued eight agricultural civil penalties in fiscal year 2006-2007.

The CAC's enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions.

The CAC levied fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties.

### **III. Recommended Corrective Actions**

No corrective actions are currently needed.

### **IV. Non-Core and Desirable Activities**

The San Benito CAC's provides outreach materials on compliance with pesticide laws and regulations and worker safety to restricted material permittees.

San Benito CAC provides updates on laws and regulation at continual education classes sponsored by the Farm Advisor and Weed Management.